

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LANCE CONWAY WOOD,

Plaintiff,

v.

SUE WASHBURN, *et al.*,

Defendants.

Case No. 2:20-cv-362-SB

ORDER

Michael H. Simon, District Judge.

U.S. Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on April 16, 2020. ECF 11. Judge Beckerman recommended that the Court deny Plaintiff's Motion for Temporary Restraining Order (ECF 7), defer ruling on Plaintiff's request for preliminary injunctive relief, and order Defendants to respond to Plaintiff's request for a preliminary injunction within fourteen days after Defendants' waiver of service. Plaintiff did not file any objection.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files an objection to a magistrate judge's findings and recommendations,

“the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3). For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, however, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate judge’s recommendations for “clear error on the face of the record.”

The Court has reviewed the Findings and Recommendation of U.S. Magistrate Judge Beckerman (ECF 11), finds no clear error, and adopts them. The Court DENIES Plaintiff’s Motion for Temporary Restraining Order (ECF 7), DEFERS ruling on Plaintiff’s request for preliminary injunctive relief, and ORDERS Defendants to respond to Plaintiff’s request for a preliminary injunction within fourteen days after Defendants’ waiver of service.

IT IS SO ORDERED.

DATED this 4th day of May, 2020.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge